

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EVIRSO REAL AMPUDE,

Defendant.

CR-22-72-GF-BMM

ORDER

The Defendant having plead GUILTY to Count II of the Superceding Indictment and TRUE to the Forfeiture Allegation at a Change of Plea Hearing on May 10, 2023. Accordingly,

IT IS HEREBY ORDERED that the Final Pretrial Conference and Jury Trial are VACATED. The Motion to Suppress, Doc. 29, is DENIED as MOOT

1. Sentencing is set for **October 4, 2023 at 11:00 a.m.** at the Missouri River Federal Courthouse, Great Falls, Montana.

2. The United States Probation Office shall conduct a presentence investigation in accordance with Fed. R. Crim. P. 32(b) and 18 U.S.C. § 3552(a).

3. Following completion of the presentence report, the probation officer shall disclose the report (excepting any recommendations of the probation officer) to the defendant, counsel for the defendant, and counsel for the government **ON OR BEFORE August 17, 2023**. The probation officer shall not disclose, directly

or indirectly to anyone under any circumstances, the substance or contents of any recommendation made or to be made to the Court.

4. In cases where restitution is mandatory, the probation officer shall consider a payment plan with the Defendant and make recommendations to the Court concerning interest and a payment schedule.

5. In accordance with U.S.S.G. § 6A1.2, after receipt of the presentence report and **ON OR BEFORE August 31, 2023** counsel for each party shall present to the probation officer, in writing, any objections to be relied upon at sentencing and, if there is a dispute over any material in the presentence report, counsel shall meet with the probation officer and attempt to resolve disputes informally by diligent good faith effort.

6. The pre-sentence report, in final form, shall be delivered to the Court and the parties **ON OR BEFORE September 13, 2023**

7. If the objections made pursuant to ¶ 5 are not resolved and counsel wishes the Court to address them, the objecting party shall submit all unresolved objections and a sentencing memorandum to the Court **ON OR BEFORE September 20, 2023**. The Court will resolve disputes in accordance with § 6A1.3 of the guidelines at the sentencing hearing.

8. If either party intends to have witnesses testify at sentencing, the party must notify the Court and the opposing party, by filing a separate notification

document, **ON OR BEFORE September 27, 2023** of the identity of the witness and the scope and purpose of the intended testimony. The requirement that the opposing party be notified of any intended testimony applies regardless of the language of Rule 17(b) contemplating ex parte application for witness subpoenas.

9. Without leave of Court, the defendant may file no more than ten (10) letters of support. Defendants wishing to file more than ten (10) letters must first seek leave of Court explaining why a greater number is necessary.

10. Any responses to sentencing memoranda shall be filed **ON OR BEFORE September 27, 2023**.

11. Reply briefs will not be accepted for filing in sentencing matters.

DATED this 10th day of May, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court